

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TABERATHA WIMBERLEY

v.

WEST LAW GROUP, PLLC and SCIL TEXAS,
LLC d/b/a SPEEDY CASH

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Civil Action No 4:24-CV-3992

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, WEST LAW GROUP, PLLC (hereinafter called Defendants only because of being served as Defendant), and files this its Original Answer to Plaintiff's Original Petition in the above styled and numbered cause, and shows the Court the following:

DEFENDANT'S ORIGINAL ANSWER

Pursuant to Federal Rule of Civil Procedure 8(b) Defendant responds to the allegations in each corresponding paragraph fo the Complaint as follows:

**I.
SUMMARY**

Defendant denies the allegations contained within the Summary of the Complaint.

**II.
JURISDICTION AND VENUE**

1. Defendant admits that this Court has original jurisdiction to hear this Complaint
2. Defendant denies that this court has supplemental jurisdiction to hear all state law claims

**III
PARTIES**

3. Defendant has no information to admit of deny of the allegations in paragraph 7.
4. Defendant denies all of the allegations in paragraph 8.
5. Defendant denies all of the allegations in paragraph 9.
6. Defendant denies all of the allegations in paragraph 10.
7. Defendant denies all of the allegations in paragraph 11.

**IV
FACTUAL ALLEGATIONS.**

8. Defendant denies all of the allegations in paragraph 12.
9. Defendant denies all of the allegations in paragraph 13.
10. Defendant denies all of the allegations in paragraph 14.
11. Defendant denies all of the allegations in paragraph 15.
12. Defendant denies all of the allegations in paragraph 16.
13. Defendant denies all of the allegations in paragraph 17.
14. Defendant denies all of the allegations in paragraph 18.
15. Defendant denies all of the allegations in paragraph 19.
16. Defendant is unable to admit or deny the allegations in Paragraph 20.
17. Defendant is unable to admit or deny the allegations in Paragraph 21.
18. Defendant denies all of the allegations in paragraph 22.
19. Defendant denies all of the allegations in paragraph 23.
20. Defendant denies all of the allegations in paragraph 24.
21. Defendant denies all of the allegations in paragraph 25.
22. Defendant denies all of the allegations in paragraph 26.
23. Defendant denies all of the allegations in paragraph 27.
24. Defendant is unable to admit or deny the allegations in Paragraph 28.
25. Defendant is unable to admit or deny the allegations in Paragraph 29.
26. Defendant denies all of the allegations in paragraph 30.
27. Defendant denies all of the allegations in paragraph 31.
28. Defendant is unable to admit or deny the allegations in Paragraph 32.
29. Defendant denies all of the allegations in paragraph 33.
30. Defendant denies all of the allegations in paragraph 34.
31. Defendant denies all of the allegations in paragraph 35.
32. Defendant denies all of the allegations in paragraph 36.
33. Defendant denies all of the allegations in paragraph 37.
34. Defendant denies all of the allegations in paragraph 38

35. Defendant denies all of the allegations in paragraph 39.
36. Defendant denies all of the allegations in paragraph 40.
37. Defendant denies all of the allegations in paragraph 41.
38. Defendant denies all of the allegations in paragraph 42.
39. Defendant denies all of the allegations in paragraph 43.
40. Defendant denies all of the allegations in paragraph 44.
41. Defendant denies all of the allegations in paragraph 45.
42. Defendant denies all of the allegations in paragraph 46.
43. Defendant denies all of the allegations in paragraph 47.
44. The allegation of paragraph 48 requires no answer of Defendant but to the extent they require an answer, Defendant denies the allegations
45. Defendant denies all of the allegations in paragraph 49.
46. Defendant denies all of the allegations in paragraph 50.
47. Defendant denies all of the allegations in paragraph 51.
48. Defendant denies all of the allegations in paragraph 52.
49. Defendant denies all of the allegations in paragraph 53.
50. Defendant denies all of the allegations in paragraph 54.
51. Defendant denies all of the allegations in paragraph 55.
52. Defendant denies all of the allegations in paragraph 56.
53. Defendant denies all of the allegations in paragraph 57.
54. Defendant denies all of the allegations in paragraph 58.
55. Defendant denies all of the allegations in paragraph 59.
56. Defendant denies all of the allegations in paragraph 60.
57. Defendant denies all of the allegations in paragraph 61.
58. Defendant denies all of the allegations in paragraph 62.
59. Defendant denies all of the allegations in paragraph 63.
60. Defendant denies all of the allegations in paragraph 64.
61. Defendant denies all of the allegations in paragraph 65.

62. Defendant denies all of the allegations in paragraph 66.

63. Defendant denies all of the allegations in paragraph 67.

64. Defendant denies all of the allegations in paragraph 68.

65. Defendant denies all of the allegations in paragraph 69.

66. Defendant denies all of the allegations in paragraph 70.

67. Defendant denies all of the allegations in paragraph 71.

68. Defendant denies all of the allegations in paragraph 72.

69. Defendant denies all of the allegations in paragraph 73.

70. Defendant denies all of the allegations in paragraph 74.

71. Defendant denies all of the allegations in paragraph 75.

72. Defendant denies all of the allegations in paragraph 76.

73. Defendant denies all of the allegations in paragraph 77.

**V.
AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief may be granted.

2. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations

3. Plaintiff can not recover as she failed to properly notify either of the Defendants of her bankruptcy filing.

4. Plaintiff's claim are barred by contributory negligence.

5. Plaintiff is not entitled to punitive damages as Defendant did not act or fail to act in a manner sufficient to give rise to punitive damages.

6 Plaintiff's claims are barred because she failed to notify the Defendants of her bankruptcy filing and is tying to ambush the Defendants in this lawsuit.

7. Plaintiff failed to mitigate her damages, if any.

8. Defendant's actions were in good faith and when the bankruptcy was finally disclosed the file was immediately closed.

9. Defendant's actions were in good faith and in compliance with all applicable laws.

10. Defendant AT ALL TIMES, including as of this filing, HAS a collection bond through suretybonds.com and any claims to the contrary are a deliberate falsehood and a lie to this court.

11. Defendant reserves the right to assert further affirmative defenses as they become evident through discovery.

VI
DEMAND FOR JURY TRIAL

Defendant hereby demands a Jury Trial for which so many Americans have died face down in the mud to protect our right for such.

WHEREFORE, Defendant prays that Plaintiff take nothing by this suit, and that Defendant recover all costs, including attorneys fees together with such other and further relief to which they may be justly entitled.

Respectfully submitted,

WEST LAW GROUP, PLLC

By:

James West
S.B.O.T. #21199050
563 West Bay Area Blvd #411
Webster, Texas 77598
jim.west@westlawgroup.org
Telephone: (713) 266-9090
Facsimile: (713) 554-1044
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was forwarded to the Plaintiff's Attorney via E-Serve on this 18th day of February, 2024.

James West